18

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~192~~ 196

ENOCH LONG, ABEL STURTEVANT, AND JOHN ROBINSON, PLAINTIFFS IN ERROR,

vs.

PEGGY F. PATTON.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

FILED JANUARY 11, 1869.

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To Mr. Enoch Long, Abel Sturtevant, & John Robinson:

You are hereby notified that the declaration, with a copy of which you are now herewith served, and to which this notice is subjoined, will be filed in the circuit court of the United States for the northern district of Illinois, on the fifth day of the July term thereof, A. D. 1867, and that upon filing the same a rule will be entered requiring you to appear and plead to the said declaration within twenty days after the entry
4 of said rule, and that if you neglect so to appear and plead a judgment by default will be entered against you, and the plaintiff will recover possession of the premises specified in said declaration.

Dated this 10th day of May, A. D. 1867.

WEAD & JACK,
Attorney for Plaintiff.

UNITED STATES OF AMERICA,
State of Illinois, Iroquois County, ss:

United States circuit court.—July term, A. D. 1867.

PEGGY F. PATTON
vs.
ENOCH LONG, ABEL STURTEVANT, AND JOHN ROBINSON. } In ejectment.

Joseph W. Kay, being duly sworn, deposes and says that he did, on the thirteenth day of June, A. D. 1867, serve Enoch Long, Abel Sturtevant, and John Robinson, the defendants in this suit, with a true copy of the declaration hereunto annexed, and also a true copy of the notice in writing to the said declaration subjoined and likewise hereunto annexed, by leaving the same with each of said defendants; and further this deponent saith not.

J. W. KAY.

5 Subscribed and sworn to before me this 13 day of June, A. D. 1867.

[SEAL.] ASA B. ROFF, *Notary Public.*

UNITED STATES OF AMERICA,
Northern District of Illinois, ss:

United States circuit court.—July term, A. D. 1867.

PEGGY F. PATTON
vs.
ENOCH LONG, ABEL STURTEVANT, & JOHN ROBINSON. } In ejectment.

I enter myself security for costs in this cause, and promise to pay all costs which may accrue to the opposite party in this action, or to any of the officers of this court; and, in default of payment by the plaintiff of any costs, ordered or adjudged to be paid by her, I hereby agree and stipulate that execution may issue against my property for any costs taxed against her.

Dated this 10th day of May, A. D. 1867.

H. M. WEAD.

(Endorsed:) Filed this 6th day of July, A. D. 1867.
WM. H. BRADLEY, *Clerk.*

6 On the same day, to wit, the 6th day of July, in the July term, A. D. 1867, of said court, in the record of the proceedings of said court in said entitled cause is the following entry, to wit:

Rule to plead.

PEGGY F. PATTON
vs.
ENOCH LONG, ABEL STURTEVANT, AND JOHN ROBINSON. } Ejectment.

Now comes the plaintiff, by Wead and Jack, her attorneys, who file her declaration in ejectment against the defendant, together with a notice thereto attached, and also an affidavit of due service of a true copy of said declaration and notice upon the defendants; and on motion of the plaintiff's attorneys, it is ordered by the court that said cause be docketed, and the defendants ruled to plead within twenty days, or that their defaults be entered.

On this day, to wit, the 13th day of July, A. D. 1867, came said defendants, by their attorney, and filed in said clerk's office their plea in said entitled cause; which said plea is in the words and figures following, to wit:

7 *Plea.*

United States circuit court, northern district of Illinois.

PEGGY F. PATTON
vs.
ENOCH LONG *et al.*

And the said defendants, by Geo. F. Harding, att'y, come & defend, &c., and say that they are not guilty of unlawfully withholding possession of the premises as is in said declaration alleged. Wherefore they put themselves upon the country, &c.

GEO. F. HARDING,
Att'y for Def'ts.

(Endorsed:) Filed July 13, 1867.

WM. H. BRADLEY, *Clk.*

On this day, to wit, the 30th day of May, in the adjourned May term, A. D. 1868, of said court, in the record of the proceedings thereof in said entitled cause is the following entry, to wit:

Jury empan'l'd & verdict.

PEGGY F. PATTON
vs.
ENOCH LONG, ABEL STURTEVANT, AND JOHN ROBINSON. } Ejectment.

Now come the parties, by their attorneys, and upon issue joined thereupon come a jury of good and lawful men, to wit: John Hoffman,
8 G. H. Fitch, James M. Pratt, Richard Cody, Joshua Thomas, Thomas McKee, A. Beebe, James Mason, William Lunn, Clement Pierce, William Wilcox, and S. H. Gilbert, who were all duly elected, tried, and sworn well and truly to try said issue; and after hearing the evidence, and receiving the instructions of the court, the jury returned into court the following verdict, to wit: We, the jury, find the defendants guilty of unlawfully withholding from the possession of the plaintiff the real estate and premises described in the plaintiff's declaration as follows: A certain tract or parcel of land, with the appurtenances, situate in the county of Iroquois, in the said State of Illinois, and described as follows, to wit: The south half of section twenty-two (22), in

township twenty-seven (27) north, of range thirteen (13) west of the second principal meridian (in which premises the said plaintiff claims a life estate); we also find on the trial the plaintiff seized of a life interest in said real estate and premises, and assess the plaintiff's damages to the sum of one cent.

And thereupon the defendants, by their attorney, move the court for a new trial herein.

9 On the hearing of said cause the following exceptions were taken and were allowed by the court, and are in the words and figures following, to wit:

United States circuit court, northern district of Illinois.—May term, A. D. 1868.

PEGGY F. PATTEN
vs.
ENOCH LONG, JOHN C. ROBINSON, ABEL C. STURDEVANT.

Be it remembered that upon the trial of the above-entitled case, at the above-entitled term of said court, the plaintiff offered in evidence the following instruments in writing, viz:

Patent to Hord.

First. A patent for the land from the United States government to Robert Hord, dated November 1st, 1839; which said patent is in the words and figures following, to wit:

Certificate No. 6,622.

The United States of America to all to whom these presents shall come, greeting:

Whereas Robert Hord, Caroline County, Virginia, has deposited
10 in the General Land Office of the United States a certificate of the register of the land office at Danville, whereby it appears that full payment has been made by the said Robert Hord, according to the provisions of the act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the public lands," for the south half of section twenty-two, in township twenty-seven north, of range thirteen west, in the district of lands subject to sale at Danville, Illinois, containing three hundred and twenty acres, according to the official plat of the survey of the said lands returned to the General Land Office by the surveyor general, which said tract has been purchased by the said Robert Hord:

Now, know ye that the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said Robert Hord, and to his heirs, the said tract above described, to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatever nature thereunto belonging, unto the said Robert Hord, and to his heirs and assigns, forever.

In testimony whereof, I, Martin Van Buren, President of the
11 United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto
[L. S.] affixed.

Given under my hand, at the city of Washington, the first day of November, in the year of our Lord one thousand eight hundred and thirty-nine, and of the independence of the United States the sixty-fourth.

MARTIN VAN BUREN.

By the President:

By M. VAN BUREN, JR., *Sec'y.*

H. M. GARLAND,
Recorder of the General Land Office.

Record Vol. 14, page 2, examined.

GENERAL LAND OFFICE, *Sept.* 25, 1866.

I, Joseph S. Wilson, Commissioner of the General Land Office, do hereby certify that the annexed copy is a true and literal exemplification from the patent records of this office.

In testimony whereof, I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.]

JOS. S. WILSON,
Commissioner of the General Land Office.

12 *Deed to Patten.*

Second. A deed from Robert Hord to John M. Patten, dated February 4th, 1842; which said deed is in the words and figures following to wit:

This indenture, made this fourth day of February, in the year of our Lord one thousand eight hundred and forty-two, between Robert Hord, late of the county of Caroline, in the State of Virginia, of the first part, and John M. Patton, of the city of Richmond, and State aforesaid, of the second part, witnesseth: That the said Robert Hord, for and in consideration of the sum of two thousand dollars to him in hand paid by the said John M. Patton, at and before the sealing and delivering of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, & sold, aliened, enfeoffed, and confirmed, and by these presents doth grant, bargain, & sell, alien, enfoeff, and confirm, unto the said John M. Patton, his heirs, and assigns, forever, the following tracts or parcels of land, with all and singular the [tracts or parcels of land, with all and singular the] rights, privileges, immunities, and appurtenances thereto belonging, or in any manner appertaining, situate, lying, and being in the county of Iroquois, in the State of Illinois, which were purchased by the said Robert Hord from the United States; that is to say: The south half of the northeast quarter of section eighteen, in township twenty fourth north, of range ten
13 east, and containing eighty acres; also the southeast quarter of section eighteen, in township twenty-four north, of range ten east, and containing one hundred and sixty acres; also the south half of section seventeen, in township twenty-four north, of range ten east, and containing three hundred and twenty acres; also the west half of the northwest quarter of section seventeen, in township twenty-four north, of range ten east, and containing eighty acres; also the southeast quarter of the northwest quarter, & the southwest quarter of the northeast quarter of section seventeen, in township twenty-four

north, of range ten east, and containing eighty acres; also the east half of the northeast quarter, of section seventeen, in township twenty-four north, of range ten east, and containing eighty acres; also the east half of the southeast quarter of section twenty-three, in township twenty-seven north, of range thirteen west, and containing eighty acres; also the south half of section twenty-two, in township twenty-seven north, of range thirteen west, and containing three hundred and twenty acres; to have and to hold the said several tracts or parcels of land, with all and every of their appurtenances, unto the said John M. Patton, his heirs, and assigns, forever, to and for his and their only proper use and behoof; and the said Robert Hord, for himself, his heirs, &c., the said several tracts or parcels of land, with their & every of their appurtenances, unto the said John M. Patton, his heirs, and assigns,
14 against the claims of all persons whomsoever, shall, will, and doth warrant and forever defend by these presents.

In testimony whereof, the said Robert Hord hath hereunto subscribed his name and affixed his seal the day and year in this indenture first written.

ROB. HORD. [SEAL]

CORPORATION OF FREDERICKSBURGH:

We, John Hart and Robert Dickey, justices of the peace in the corporation aforesaid, in the State of Virginia, do hereby certify that Robert Hord, a party to a certain deed bearing date on the fourth day of February, 1842, and hereto annexed, personally appeared before us in our corporation aforesaid, and acknowledged the same to be his act and deed, and desired us to certify the said acknowledgment to the clerk of the court of Iroquois, in the State of Illinois, or register of deeds in said county, or other proper officer whose duty it is to record deeds, in order that the said deed may be recorded. Given under our hands and seals this 5th day of February, 1842.

JOHN HART, *J. P.* [SEAL]
ROBERT DICKEY. [SEAL]

STATE OF VIRGINIA,
Corporation of Fredericksburgh, to wit:

I, John James Chew, clerk of the court of hustings of said corporation, do hereby certify that John Hart and Robert Dickey, es-
15 quires, whose hands and seals are affixed to the above certificate of acknowledgment, were, at the time of taking the said acknowledgment, and still are, justices of the peace in said corporation duly commissioned and sworn, and that full faith and credit are due to all their acts and deeds as such.

In testimony whereof, I have hereunto set my hand and caused the seal of the said court to be hereto affixed this first day of March, in the year of our Lord 1842, and of our independence the sixty-sixth.

[SEAL.] J. J. CHEW, *C. C. H. F.*

STATE OF VIRGINIA,
Corporation of Fredericksburgh, to wit:

I, Benjamin Clark, mayor and ex officio presiding justice in the court of hustings of said corporation, do hereby certify that John James Chew, whose hand and seal of office are affixed to the above certificate, is clerk of the hustings court of said corporation, and that due faith and credit ought to be paid to all his acts and deeds as such. Certified under my hand and seal this 1st day of March, 1842.

BENJ. CLARK, *J. P.* [SEAL.]

STATE OF VIRGINIA,
Corporation of Fredericksburgh, to wit:

16 I, John James Chew, clerk of the court of hustings of said corporation, do hereby certify that Benjamin Clark, esquire, whose hand and seal are affixed to the above certificate, is mayor and ex officio presiding justice in the court of hustings of said corporation.

Certified this 1st day of March, 1842.

J. J. CHEW, *C. C. H. F.*

Filed for record August 19th, 1842, at ten o'clock a. m., and recorded on the same day.

JNO. HARWOOD, *Recorder.*

STATE OF ILLINOIS, *Iroquois County, ss:*

I, Thomas Vennum, clerk of the circuit court, and ex officio recorder in and for the said county, in said State, do hereby certify that the foregoing is a true and perfect copy of a warranty deed from Robert Hord to John M. Patton, filed for record August 19th, 1842, and recorded in book "B" of deeds, &c., pages 93 and 94.

Witness my hand and seal of said court, at office in Watseka, this 13th day of October, A. D. 1866.

[SEAL.] THOMAS VENNUM, *Clerk.*

[5-cent rev. stamp.]

17 STATE OF VIRGINIA,
Corporation of Fredericksburgh, ss:

I, John James Chew, clerk of the court of hustings of said corporation, which is a court of record, do hereby certify that the above deed from Robert Hord, as the same appears to be acknowledged, is so acknowledged in conformity with the laws of the State of Virginia prescribing the regulations for the acknowledgment of similar instruments therein.

In testimony whereof, I hereunto set my hand and affix the seal of my said court this 31st day of October, eighteen hundred & sixty-six.

[SEAL.] J. J. CHEW, *Clerk.*

STATE OF VIRGINIA,
Corporation of Fredericksburg, set:

I, John James Chew, clerk of the court of hustings of said corporation, which is a court of record, do hereby certify that the original deed from Robert Hord to John M. Patton, of which the above purports to be a copy, is executed and acknowledged in conformity with the laws of the State of Virginia.

In testimony whereof, I hereunto set my hand and affix the seal of my said court this 6th day of July, 1867.

[SEAL.] J. J. CHEW, *Clerk.*

18 To the reading of which in evidence the defendant objected, because the same was not properly proved or acknowledged, but the court overruled the objection and admitted the same.

Will of Patton.

Third. A copy of will and probate of John M. Patton; which said will and probate are in the words and figures following, to wit:

I, John M. Patton, of the city of Richmond, and State of Virginia, make this my last will and testament:

I give and bequeath to John M. Patton, junior, as trustee, the sum of ten thousand dollars, to be paid to him out of my estate, or retained by him as executor, either in money, or in bonds and stocks belonging to me. The interest, dividens, or profits of said ten thousand dollars to be paid to Eliza W. Patton, my daughter, as they accrue, for her sole and separate use dur[dur]ing her life, free from the control of, or liability for the debts of, any husband she may marry; and at her death, the said ten thousand dollars, or the stocks or securities in which the same may be invested, the said trustee shall pay or transfer to such person or persons as the said Eliza W. Patton, by deed or will, may appoint; and in default of such appointment, to the children and descendants of said Eliza W. Patton (if any), on the principles of the statute of dis-
19 tributions; or if she [she] leave no such child or descendant, then the same to be transferred or paid to the next of kin of said Eliza W. Patton.

All the rest of my estate and property, real and personal (including all stocks, securities, and money), I devise and bequeath to my wife, P. F. Patton (in case she survive me), during her life, with power to give the same, or any portion or portions thereof, from time to time, to any of our children, either during her life or at her death, by deed or will; and in default of such appointment, in whole or in part, at her death, or in case she do not survive me, I devise and bequeath all the said property, real and personal, not so disposed of by my wife, to be divided between such of our children and their descendants as may be living at her death, if she survive me, or at my death if she do not, giving to such descendants the share only of their parents. In making such division my daughter Eliza is to participate, without being charged with the bequest hereinbefore made for her benefit. But each of the children (including Eliza) who may be of age at the time of my death, are to be charged as for advancements with the sum of one thousand dollars, and also with such advancements of money or property as may have been made them by my wife during her life under the power hereinbefore given her.

I hereby authorize my executrix and executor, or whichsoever
20 of them may qualify, to sell and convey any or all of my estate, real or personal; and they shall invest the proceeds in such manner as they, or either of them who may qualify, may deem judicious, holding the proceeds of such sale subject to the provisions of the above clauses in respect to the property so sold.

I hereby constitute and appoint my wife, P. F. Patton, & my son, John M. Patton, jr., executrix and executor of this my will, and request that they may be allowed to qualify without giving security. Written altogether with my own hand, and signed, as for my last will, this 30th day of May, 1856.

JNO. M. PATTON.

I make the following addition to my will as a codicil thereto: Since the above will was made, I have loaned my son Isaac the sum of two thousand dollars. If I do not collect that debt, I direct that he be released from the payment of any interest on the same, and that he be charged with the principal sum of two thousand, as for an advancement, in addition to the one thousand dollars mentioned in my will. The above codicil written & executed this 7th July, 1858.

JNO. M. PATTON.

21 At a circuit court of the city of Richmond for the trial of civil causes, held at the State court-house in said city, on Wednesday, November the 10th, 1858.

This writing, purporting to be the last will and testament of John W. Patton, deceased, with a codicil thereafter written, was presented in court for proof, and there being no subscribing witness to said will and codicil, John G. Williams and Philip M. Slaughter were duly sworn, and severally testified that they are well acquainted with the handwriting of the said John M. Patton, and verily believe the said will and codicil and the names subscribed thereto are wholly in the said John M. Patton's handwriting; whereupon it was ordered that the said writings be established as the true last will and testament of the said John M. Patton, deceased, and recorded as such; and on the motion of John M. Patton, jr., the executor named in the said will, who made oath thereto according to law and entered into and acknowledged a bond in the penalty of one hundred and eighty thousand dollars, conditioned as the law directs, but without security (it being directed by the said will that none should be required of him), a certificate was granted him for obtaining a probat of the said will, with the codicil thereafter written, in due form, and liberty was reserved to P. F. Patton, the executrix in the said will named, to join in the said probat when she shall think fit.

Teste:

JAMES ELLET, *Clerk.*

22 STATE OF VIRGINIA, *City of Richmond, to wit:*

I, Benjamin Pollard, clerk of the circuit court of the city of Richmond, in the State of Virginia, do hereby certify that the foregoing is a true copy of the last will and testament of John M. Patton, deceased, and the order of court admitting the same to probate, as appears from the records of my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court, at Richmond, the 3rd day of December, 1866.

[SEAL.] BENJ. POLLARD, *Clk.*

[5-cent rev. stamp.]

STATE OF VIRGINIA, *City of Richmond, to wit:*

I, John A. Meredith, judge of the circuit court of the city of Richmond, in the State of Virginia, do hereby certify that Benjamin Pollard, whose name appears to the foregoing certificate, is now, and was at the time it was signed, clerk of the said court, and that said attestation is in due form.

Given under my hand this 3rd day of December, 1866.

JOHN A. MEREDITH.

23 *Certificate of record.*

STATE OF ILLINOIS, *Iroquois County, ss:*

I, Thomas Vennum, clerk of the circuit court, and ex officio recorder within and for said county, in the State aforesaid, do hereby certify that this copy of will was filed for record in my office the 31st day of May, A. D. 1867, at the hour of eight o'clock a. m., and duly recorded in Book 41 of deeds, on page 549.

THOMAS VENNUM, *Clerk,*

No. 14,232. Per ——— ———, *Deputy Clerk.*

STATE OF VIRGINIA, *City of Richmond, ss:*

I, Benjamin Pollard, clerk of the circuit court of the city of Richmond, in the State of Virginia, do hereby certify that the original last will & testament of John M. Patton, deceased, a copy of which is hereto annexed, was duly executed & proved agreeably to the laws and usages of the State of Virginia, in which the same was made and executed.

In testimony whereof, I have hereunto set my hand & affixed the seal of said court, at Richmond, this 20th day of March, A. D. 1868.

[SEAL.] BENJ. POLLARD, *Clk.*

[5-cent rev. stamp.]

24 STATE OF VIRGINIA. *City of Richmond:*

I, John A. Meredith, judge of the circuit court of the city of Richmond, in the State of Virginia, do hereby certify that the original last will & testament of John M. Patton, deceased, a duly authenticated copy of which is hereunto annexed, was and is duly executed and proved agreeably to the laws and usages of the State of Virginia, in which the same were made and executed. Given under my hand at the city of Richmond, in said State, this 23rd day of March, A. D. 1868.

JOHN A. MEREDITH.

To the reading of which in evidence the defendant objected, because it was immaterial and irrelevant, without proof of the death of the alleged decedent, of the identity of the devisee with said plaintiff, and also because said instrument was not properly proved, there being no sufficient proof that the said will was probated or where it was probated, but the court overruled the objections and admitted the same; to each of which rulings of the court in admitting said testimony, the said defendant then and there excepted and excepts.

This was all the evidence upon the part of the plaintiff.

The defendant then offered in evidence the following instruments in writing, viz:

25 First. A deed from the sheriff of Iroquois County, Illinois, to L. M. Peck, dated July 1, 1864; which said deed is in the words and figures following, to wit:

Def'ts' proofs.—Sheriff's deed.

Know all men by these presents, that whereas at the June term, A. D. 1862, of the county court of Iroquois County, Illinois, a judgment was obtained in said court in favor of the State of Illinois, against the following-described lots, pieces, or parcels of land, for the several sums set opposite said tracts respectively, to wit:

The east half of southwest qr. sec. 22, town. 27 N., R. 13 west, for $4 58.

The west half of southwest qr. sec. 22, town. 27 N., R. 13 west, for $4 58.

The east half of southeast qr. sec. 22, town. 27 N., R. 13 west, for $4 58.

The west half of southeast qr. sec. 22, town. 27 N., R. 13 west, for $4 58.

The southwest qr. of northeast qr. sec. 26, town. 27 N., R. 13 west, for $6 06.

The south half of northwest qr. sec. 26, town. 27 N., R. 13 west, for $13 97.

Said sums being the whole amount of taxes, interest, and costs assessed upon said lots, pieces, or parcels of land for the year A. D. 1861. And whereas, on the 25th day of June, A. D. 1862, George King, then treasurer and ex officio collector of the county aforesaid, by virtue of a precept or order issued out of the county court aforesaid, dated the sixteenth day of June, A. D. 1862, and directed to the said George King, treasurer and collector as aforesaid, did expose at public sale, at the court-house in the county aforesaid, in conformity with all the requirements of the statutes in such case made and provided,

26 the said lots, tracts, or parcels of land above described, for the satisfaction of the payment so rendered against them as aforesaid; and whereas, at the time and place aforesaid, E. H. Collins having offered to pay the aforesaid sums of money, together with the costs of sale, amounting to the sum of forty-one dollars and fifty-nine cents for the said lots, pieces, or parcels of land hereinbefore described, to wit: For the east half of southwest quarter of section No. 22, in township No. twenty-seven north, of range No. thirteen west, the sum of five dollars and twelve cents; and for the west half of said southwest quarter of said section twenty-two, in the township and range aforesaid, the sum of five dollars and twelve cents; and for the east half of the southeast quarter of said section No. twenty-two, in said township and range, the sum of five dollars and twelve cents; and for the west half of the southwest quarter of said section No. twenty-two, in said township and range, the sum of five dollars and twelve cents; and for the southwest quarter of the northeast quarter of section No. twenty-six, in said township and range, the sum of six dollars and sixty cents; and for the south half of the northwest quarter of said section No. twenty-six; in said town. and range, the sum of fourteen dollars and fifty-one cents; which was the least quantity of said lots, pieces, or parcels of land, bid for; the said lots, pieces, or parcels of land were then and there struck off and sold to the said E. H. Collins for said sums of money;

27 and whereas the said E. H. Collins has duly assigned his certificates of purchase of the lands above described unto L. M. Peck; and whereas the said L. M. Peck has made and delivered to me his affidavit of having complied with all the requirements of the statute and constitution of the State of Illinois necessary to entitle him to a deed for the premises so sold to the said E. H. Collins as aforesaid:

Now, therefore, I, Harrison O. Henry, sheriff of the county of Iroquois, for and in consideration of the said above-named sum, amounting to forty-one dollars and fifty-nine cents, paid to George King, treasurer and collector as aforesaid, by the said E. H. Collins, at the time of said sale, and in the further consideration of the sum of one dollar to me in hand paid by L. M. Peck, the assignee of said E. H. Collins, and by virtue of the statute in such cases made and provided, have granted, bargained, and sold, and, by these presents, do grant, bargain, and sell, unto the said L. M. Peck, and to his heirs and assigns, forever, the premises so sold as aforesaid, situated and being in Iroquois County, Illinois, to wit: The east half of the southwest quarter, and the west half of the southwest quarter, and the east half of the southeast quarter of section No. twenty-two (22), and the west half of the southeast quarter of section No. twenty-two, and the southwest quarter of the northeast quarter, and the south half of the northwest quarter of section No. twenty-six (26); all of the said lands being in township No. twenty-seven (27)

28 north, of range No. thirteen (13) west of second principal meridian, to have and to hold unto him, the said L. M. Peck, his heirs, and assigns, forever, subject, however, to all the rights of redemption provided by law.

In witness whereof, I, Harrison O. Henry, sheriff as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name and affixed my seal this first day of July, A. D. 1864.

H. O. HENRY, [SEAL.]
Sheriff of Iroquois County, Illinois.

STATE OF ILLINOIS, *Iroquois County, ss:*

I, Thomas Vennum, clerk of the circuit court in and for the said county, in said State, do hereby certify that Harrison O. Henry, sheriff of Iroquois County, Illinois, whose signature appears to the written deed, and who is personally known to me to be the real person who signed and executed the same, this day, in his proper person, came before me, and acknowledged that he executed the same as such sheriff aforesaid for the uses and purposes in said deed expressed.

Witness Thomas Vennum, clerk, and the seal of said court affixed at Middleport, this first day of July, A. D. 1864.

[SEAL.] THOMAS VENNUM, *Clerk.*

29 No. 2,514.

STATE OF ILLINOIS, *Iroquois County:*

I do hereby certify that this deed was filed for record July 1st, A. D. 1864, at nine o'clock a. m., and duly recorded in Book No. 30, page 371.

THOMAS VENNUM,
30 *Clerk & Recorder.*

Deed from L. M. P. & wife—B. L. T. Bourland.

Second. A deed from L. M. Peck & wife to B. L. T. Bourland, dated July 1, 1864; which said deed is in the words and figures following, to wit:

This indenture, made this first day of July, in the year of our Lord one thousand eight hundred and sixty-four, between L. M. Peck and Sara C. Peck, his wife, of the county of Iroquois, and State of Illinois, party of the first part, and B. L. T. Bourland, of the city and county of Peoria, and State of Illinois, the party of the second part, witnesseth: That the said party of the first part, for and in consideration of one hundred dollars in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, and the said party of the second part forever released and discharged therefrom, have remised, released, sold, conveyed, and quit-claimed, and by these presents do remise, release, sell, convey and quit-claim, unto the said party of the second part, his heirs, and assigns, forever, all the right, title, interest, claim, and demand which the said party of the first part have in and to the following-described lots, pieces, or parcels of land, to wit: The east half of the southwest quarter, and the west half of the southwest quarter, and the east half of the southeast quarter, and the west half of the southeast quarter of section No. twenty-two (22), and the southwest quarter of the northeast quarter, and the south half of the northwest quarter of section No. twenty-six (26), all of the foregoing lands lying and being
31 in township No. twenty-seven (27) north, of range No. thirteen (13) west of the second principal meridian, in Iroquois County, Illinois;

to have and to hold the same, together with all and singular the appurtenances and privileges thereunto belonging, or in any wise thereunto appertaining; and all the estate, right, title, interest, and claim whatever of the said party of the first part, either in law or equity, to the only proper use, benefit, and behoof of the said party of the second part, his heirs, and assigns, forever.

And the said L. M. Peck and Sarah C. Peck, his wife, the party of the first part, hereby expressly waive, release, and relinquish unto the said party of the second part, his heirs, executors, administrators, and assigns, all right, title, claim, interest, and benefit whatever, in and to the above-described premises, and each and every part thereof, which is given by or results from all laws of this State pertaining to the exemption of homesteads.

And the said party of the first part, for themselves and their heirs, executors, and administrators, do covenant, promise, and agree, to and with the said party of the second part, his heirs, executors, administrators, and assigns, that they hath not made, done, committed, executed, or suffered any act or acts, thing or things, whatsoever, whereby, or by means whereof, the above mentioned and described premises, or any part or parcel thereof, now are, or at any time hereafter shall or
32 may be, impeached, charged, or incumbered in any manner or way whatsoever.

I witness whereof, the said party of the first part hereunto set their hands and seals the day and year first above written.

L. M. PECK. [SEAL.]
SARAH C. PECK. [SEAL.]

STATE OF ILLINOIS, *Iroquois County, ss:*

I, ASA B. ROFF, a notary public in and for said county, in the State aforesaid, do hereby certify that L. M. Peck and Sarah C. Peck, his wife, who are personally known to me as the same persons whose names are subscribed to the foregoing instrument of writing, appeared before me this day, in person, and acknowledged that they signed, sealed, and delivered the said instrument of writing, as their free and voluntary act, for the uses and purposes therein set forth; and the said Sara C. Peck, wife of the said L. M. Peck, having been by me examined, separate and apart, and out of the hearing of her husband, and the contents and meaning of the said instrument of writing having been by me fully made known and explained to her, and she also by me being fully informed of her rights under the homestead laws of this State, acknowledged that she had freely and voluntarily executed the same, and relinquished her dower to the lands and tenements therein mentioned, and also all her rights and ad-
33 vantages under and by virtue of all laws of this State relating to the exemption of homesteads, without the compulsion of her said husband, and that she does not wish to retract the same.

Given under my hand and official seal this first day of July, A. D. 1864.
[SEAL.] ASA B. ROFF, *N. P.*

STATE OF ILLINOIS, *Iroquois County, ss:* No. 8,517.

The within deed was filed for record in the recorder's office of Iroquois County on the second day of July, A. D. 1864, at five o'clock p. m., and duly recorded in Book No. 30 of deeds, on page 374, &c.

THOMAS VENNUM,
Recorder of Iroquois County.

Deed from B. L. T. Bourland to I. Underhill

Third. A deed from B. L. T. Bourland and wife to Isaac Underhill, dated April 29, 1865; which said deed is in the words and figures following, to wit:

This indenture, made the twenty-ninth day of April, in the year of our Lord one thousand eight hundred and sixty-five, between Benjamin L. T. Bourland, of the county of Peoria and State of Illinois, and Julia P., his wife, parties of the first part, and Isaac Underhill, of said county, of the second part, witnesseth: That the said parties of the first part, for and in consideration of the sum of nine hundred dollars (900$), lawful money of the United States of America, to them in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, have re-
34 mised, released, and quit-claimed, and by these presents do remise, release, and quit-claim, unto the said party of the second part, and to his heirs and assigns, forever, all those certain tracts or pieces of land situate, lying, and being in the county of Iroquois, and State of Illinois, known and distinguished as follows, to wit: The south half of section twenty-two (22), containing three hundred and twenty acres, more or less; the southwest quarter of the northeast quarter of section twenty-six (26), containing forty acres, more or less; and the south half of the northwest quarter of said section twenty-six (26), containing eighty acres, more or less, all in township twenty-seven north, of range thirteen west of the second principal meridian; together with all singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, dower, right of dower, property, possession, claim, and demand whatsoever, as well in law as in equity, of the said parties of the first part of, in, or to the above-described premises, and every part and parcel thereof, with the appurtenances; to have and to hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs, and assigns, forever.

35 In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

B. L. T. BOURLAND. [SEAL.]
JULIA P. BOURLAND. [SEAL.]

[1 dollar in. rev. stamps, canceled.]

STATE OF ILLINOIS, *City & County of Peoria, ss:*

I, Eliot Callander, a notary public in and for said city, do hereby certify that on this day personally appeared before me Benjamin L. T. Bourland and Julia P. Bourland, his wife, who are personally known to me to be the same persons described in, and who executed, the foregoing deed of conveyance, and acknowedged that they had executed the same, as their free act and deed, for the uses and purposes therein expressed; and the said Julia, wife of the said Benjamin L. T. Bourland, on an examination by me, separate and apart from her said husband, after the contents of said deed had been fully made known and explained to her, declared that she had executed the same, and relinquished her dower to the lands and tenements therein mentioned, freely and voluntarily, without fear or compulsion of her said husband.

36 Witness my hand and seal notarial this 29th day of April, eighteen hundred and sixty-five.

[SEAL.] ELIOT CALLENDER, *N. P.*

No. 10,235.

STATE OF ILLINOIS, *Iroquois County, ss:*

Filed for record May 23rd, A. D. 1865, and duly recorded in Book No. 34, at page 313.

THOMAS VENNUM, *Clerk.*

Tax receipts.

And also the following tax receipts from the treasurer & collector of Iroquois County, Illinois, viz:

No. 1.	Dated	May 2, '63,	for year	1862,	to	L. M. Peck.
No. 2.	"	April 11, '64,	"	1863,		"
No. 3.		May 23, '65,	"	1864,		Isaac Underhill.
No. 4.		May 4, '66.	"	1865,		"
No. 5.		May 2, '67,	"	1866,		"

Which said tax receipts are in the words and figures following, to wit:

37 TREASURER'S OFFICE,
Middleport, Ill., May 2nd, 1863.

STATE OF ILLINOIS, *Iroquois County:*

Received of L. M. Peck thirty-nine $\frac{20}{100}$ dollars in full for his State, county, town, school, road, and back taxes on the following property in said county, for the year 1862, to wit:

Description.	Sec.	T'wn.	R'ge.	No. of Ac's.		Valuation.	St'e & Co. tax.	T'wn t'x.	Di. sc. t'x.	Road tax.	Bridge t'x.	Back tax.	Total t'x.
				Ac's.	100t.		$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
E. ½ S. W. ¼	22	27	13	80		298	3 13	30	53	60			4 56
W. ¼ " "	"	"	"	80		298	3 13	30	53	60			4 56
E. ½ S. E. ¼	"	"	"	80		224	2 35	22	40	60			3 57
W. ¼ " "	"	"	"	80		224	2 35	22	40	60			3 57
S. W. ¼ N. E. ¼	26	"	"	40		150	1 57	15	27	30			2 29
S. ½ N. W. ¼	"	"	"	80		298	3 13	30	53				3 96
W. ½ lot 2 N. E. ¼	3	26	13	41	21	116	2 21	7	1 50	41			3 19
E. ½ " 1 N. W. ¼	"	"	"	40		112	1 17	6	1 45				2 68
" " 2 "	"	"	"	80	65	226	2 37	13	2 93				5 43
E. ½ S. W. ¼	"	"	"	80		226	2 35	13	2 91				5 39
													39 20

GEO. KING, *Treasurer,*
By C. R. BROWN.

38 TREASURER'S OFFICE,
Middleport, April 11th, 1864.

STATE OF ILLINOIS, *Iroquois County:*

Received of L. M. Peck twenty-five & $\frac{94}{100}$ dollars, in full for his State, county, town, school, road, and back taxes on the following property in said county, for the year 1863, to wit:

Description.	Sec.	Twn.	R'ge.	No. of Ac's.	Valuation.	State tax.	County tax.	Twn t'x.	Di. sc. t'x.	Road t'x.	Br'ge t'x.	Back t'x.	Total t'x.
				Ac's. 100t.		$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
E. ½ S. W. ¼	22	27	13	80	301	2 32	1 50	29	36	64			5 03
W. ½ S. W. ¼	"	"	"	80	301	2 32	1 50	29	36	64			5 03
E. ½ S. E. ¼	"	"	"	80	226	1 74	1 13	16	27	48			3 78
W. ½ S. E. ¼	"	"	"	80	226	1 74	1 13	16	27	48			3 78
S. W. ¼ N. E. ¼	26	"	"	40	151	1 16	75	10	18	32			2 51
S. ½ N. W. ¼	"	"	"	80	301	2 32	1 50	27	36	64			5 03
													25 16
Costs of A. & V													78
													25 94

GEORGE KING, *Treasurer.*

39 TREASURER'S OFFICE,
Middleport, May 23d, 1865.

STATE OF ILLINOIS, *Iroquois County:*

Received of Isaac Underhill, by Thos. Vennum, thirty-one & $\frac{85}{100}$ dollars, in full for his State, county, town; school, road, and back taxes on the following property in said county, for the year 1864, to wit:

Description.	Sec.	Twn.	R'ge.	No. of ac's.	Valuation.	State tax.	County tax.	Twn t'x.	Di. sc. t'x.	Road t'x.	Dog t'x.	Back t'x.	Total t'x.
				Ac's. 100t.		$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
E. ½ S. W. ¼	22	27	13	80	320	2 40	2 40	22	80	32			6 14
W. ½ S. W. ¼	"	"	"	80	320	2 40	2 40	22	80	32			6 14
E. ½ S. E. ¼	"	"	"	80	240	1 80	1 80	17	60	24			4 61
W. ½ S. E. ¼	"	"	"	80	240	1 80	1 80	17	60	24			4 61
S. W. ¼ N. E. ¼	26	"	"	40	166	1 20	1 20	11	40	16			3 07
S. ½ N. W. ¼	"	"	"	80	320	2 40	2 40	22	80	32			6 14
Costs													1 14
													31 85

GEORGE KING, *Treasurer.*

40 WATSEKA, ILL., *May 4th*, 1866.

STATE OF ILLINOIS, *Iroquois County:*

Received of Isaac Underhill, of Peoria, Ill., thirty-seven $\frac{48}{100}$ dollars, in full for his State, county, town, school, road, and back taxes on the following property in said county, for the year 1865, to wit:

Description.	Sec.	T'wn.	R'ge.	No. of ac's.	Valuation.	State tax.	County tax.	T'wn tax.	Di. sc. t'x.	Road t'x.	Total t'x.
				Ac's. 100t.	$ cts.	$ cts.	$ ct.	$ cts.	$ cts.	$ cts.	$ cts.
E. ½ S. W. ¼	22	27	13	80 —	317	2 28	3 49	13	79	32	7 01
W. ½ S. W. ¼	"	"	"	80 —	317	2 28	3 49	13	79	32	7 01
E. ½ S. E. ¼	"	"	"	80 —	238	1 71	2 62	9	59	24	5 25
W. ½ S. E. ¼	"	"	"	80 —	238	1 71	2 62	9	59	24	5 25
S. W. ¼ N. E. ¼	26	"	"	40 —	238	1 71	2 62	9	59	16	5 17
S. ½ N. W. ¼	"	"	"	80 —	317	2 28	3 49	13	79	32	7 01
Costs											78
											37 48

P. T. RHODES, *Collector.*

M. STANLEY.

41 WATSEKA, ILL., *May 2nd*, 1867.

STATE OF ILLINOIS, *Iroquois County:*

Received of Isaac Underhill, per L. Armstrong, forty-one $\frac{68}{100}$ dollars, in full for his State, county, town, school, road, and other taxes on the following property in said county, for year 1866, to wit:

Description.	Sec.	T'wn.	R'ge.	Valuation.	State tax.	T'wn tax.	Di. sc. t'x.	Road t'x.	Co. & b'ty t'x.	t'x.	Total tax.
				$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
E. ½ S. W.	22	27	13	466	3 26	19	1 86	64	7 92		13 87
W. ¼ S. W.	"	"	"	388	2 72	16	1 55	64	6 59		11 66
S. ½ N. W.	26	"	"	544	3 81	22	2 18		9 25		15 46
Advertising											69
											$41 68

P. T. RHODES, *Collector.*

Stating that the object of offering said evidence was to show title to said premises in controversy, and to require of said plaintiff the amount of said taxes and costs paid, as shown by the same, in case said plaintiff questioned said title of said Underhill, according to the statute, &c. But the court was of opinion that the said defendant had not brought himself within the said statute of Feb. 21, 1861, and for the
42 reason, among others, that he must first show there was a judgment as the foundation of said tax sale and deed, and so ruled; to which ruling the defendant there and then excepted. This was all the evidence in the case; and the court left it to the jury to determine as to the death of John M. Patten, and the identity of the devisee under

38

TREASURER'S OFFICE,
Middleport, April 11th, 1864.

STATE OF ILLINOIS, *Iroquois County:*

Received of L. M. Peck twenty-five & $\frac{94}{100}$ dollars, in full for his State, county, town, school, road, and back taxes on the following property in said county, for the year 1863, to wit:

Description.	Sec.	T'wn.	R'ge.	No. of Ac's.	Valuation.	State tax.	County tax.	T'wn t'x.	Di. sc. t'x.	Road t'x.	Br'ge t'x.	Back t'x.	Total t'x.
				Ac's. 100t.		$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
E. ½ S. W. ¼..	22	27	13	80	301	2 32	1 50	29	36	64			5 03
W. ½ S. W. ¼	"	"	"	80	301	2 32	1 50	29	36	64			5 03
E. ½ S. E. ¼..	"	"	"	80	226	1 74	1 13	16	27	48			3 78
W. ½ S. E. ¼..	"	"	"	80	226	1 74	1 13	16	27	48			3 78
S. W. ¼ N. E. ¼	26	"	"	40	151	1 16	75	10	18	32			2 51
S. ½ N. W. ¼..	"	"	"	80	301	2 32	1 50	27	36	64			5 03
													25 16
Costs of A.& V													78
													25 94

GEORGE KING, *Treasurer.*

39

TREASURER'S OFFICE,
Middleport, May 23d, 1865.

STATE OF ILLINOIS, *Iroquois County:*

Received of Isaac Underhill, by Thos. Vennum, thirty-one & $\frac{85}{100}$ dollars, in full for his State, county, town; school, road, and back taxes on the following property in said county, for the year 1864, to wit:

Description.	Sec.	T'wn.	R'ge.	No. of ac's.	Valuation.	State tax.	County tax.	T'wn t'x.	Di. sc. t'x.	Road t'x.	Dog t'x.	Back t'x.	Total t'x.
				Ac's. 100t.		$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
E. ½ S. W. ¼..	22	27	13	80	320	2 40	2 40	22	80	32			6 14
W. ½ S. W. ¼..	"	"	"	80	320	2 40	2 40	22	80	32			6 14
E. ½ S. E. ¼..	"	"	"	80	240	1 80	1 80	17	60	24			4 61
W. ½ S. E. ¼..	"	"	"	80	240	1 80	1 80	17	60	24			4 61
S. W. ¼ N.E. ¼	26	"	"	40	166	1 20	1 20	11	40	16			3 07
S. ½ N. W. ¼	"	"	"	80	320	2 40	2 40	22	80	32			6 14
Costs.....													1 14
													31 85

GEORGE KING, *Treasurer.*

40 WATSEKA, ILL., *May 4th*, 1866.

STATE OF ILLINOIS, *Iroquois County:*

Received of Isaac Underhill, of Peoria, Ill., thirty-seven $\frac{48}{100}$ dollars, in full for his State, county, town, school, road, and back taxes on the following property in said county, for the year 1865, to wit:

Description.	Sec.	T'wn.	R'ge.	No. of ac's.	Valuation.	State tax.	County tax.	T'wn tax.	Di. sc. t'x.	Road t'x.	Total t'x.
				Ac's. 100t.	$ cts.	$ cts.	$ ct.	$ cts.	$ cts.	$ cts.	$ cts.
E. ½ S. W. ¼	22	27	13	80	317	2 28	3 49	13	79	32	7 01
W. ½ S. W. ¼	"	"	"	80	317	2 28	3 49	13	79	32	7 01
E. ½ S. E. ¼	"	"	"	80	238	1 71	2 62	9	59	24	5 25
W. ½ S. E. ¼	"	"	"	80	238	1 71	2 62	9	59	24	5 25
S. W. ¼ N. E. ¼	26	"	"	40	238	1 71	2 62	9	59	16	5 17
S. ½ N. W. ¼	"	"	"	80	317	2 28	3 49	13	79	32	7 01
Costs											78
											37 48

P. T. RHODES, *Collector.*

M. STANLEY.

41 WATSEKA, ILL., *May 2nd*, 1867.

STATE OF ILLINOIS, *Iroquois County:*

Received of Isaac Underhill, per L. Armstrong, forty-one $\frac{68}{100}$ dollars, in full for his State, county, town, school, road, and other taxes on the following property in said county, for year 1866, to wit:

Description.	Sec.	T'wn.	R'ge.	Valuation.	State tax.	T'wn tax.	Di. sc. t'x.	Road t'x.	Co. & b'ty t'x.	t'x.	Total tax.
					$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
E. ½ S. W.	22	27	13	466	3 26	19	1 86	64	7 92		13 87
W. ½ S. W.	"	"	"	388	2 72	16	1 55	64	6 59		11 66
S. ½ N. W.	26	"	"	544	3 81	22	2 18		9 25		15 46
Advertising											69
											$41 68

P. T. RHODES, *Collector.*

Stating that the object of offering said evidence was to show title to said premises in controversy, and to require of said plaintiff the amount of said taxes and costs paid, as shown by the same, in case said plaintiff questioned said title of said Underhill, according to the statute, &c. But the court was of opinion that the said defendant had not brought himself within the said statute of Feb. 21, 1861, and for the
42 reason, among others, that he must first show there was a judgment as the foundation of said tax sale and deed, and so ruled; to which ruling the defendant there and then excepted. This was all the evidence in the case; and the court left it to the jury to determine as to the death of John M. Patten, and the identity of the devisee under

said will, with the plaintiff; to which instruction the defendant then and there excepted.

THOMAS DRUMMOND. [SEAL.]

(Endorsed:) Filed May 30, 1868.

WM. H. BRADLEY, *Clk.*

43 *Judgment.*

On this day, to wit, the third day of July, in the adjourned May term, A. D. 1868, of said court, in the record of the proceedings thereof in said entitled cause is the following entry, to wit:

PEGGY F. PATTON,
vs.
ENOCH LONG, ABEL STURTEVANT, AND JOHN ROBINSON. } Ejectment.

The motion of the defendants, heretofore entered, for a new trial of this cause, not being urged by them, the same is overruled by the court.

It is thereupon considered and adjudged by the court that the said plaintiff do have and recover of the said defendants possession of the said real estate and premises aforesaid described, according to the force, form, and effect of her said recovery, and that she have a writ of possession therefor, and that she also have and recover of the defendants the said sum of one cent, her damages, so as aforesaid assessed, together with her costs and charges by her about her suit in this behalf expended, amounting to the sum of thirty-three dollars and fifty-five cents, and that she have execution therefor.

44 *Appeal bond.*

On this day, to wit, the eighth day of July, A. D. 1868, came said defendants, and filed in said clerk's office their appeal bond; which said appeal bond is in the words and figures following, to wit:

Supreme Court of the United States.

PEGGY F. PATTEN
vs.
JOHN C. ROBINSON, ENOCH LONG, AND ABEL G. STURTEVANT. }

Know all men by these presents, that we, John C. Robinson, Enoch Long, Abel G. Sturtevant, Jonathan C. Sturtevant, James F. Lyttle, and Isaac Underhill, are held and firmly bound unto the above-named Peggy F. Patten in the sum of one thousand dollars, to be paid to the said Peggy F. Patten, her executors, and administrators; to the payment of which, well and truly to be made, we bind ourselves, and each of us, and our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals and dated this 3rd day of July, A. D. 1868.

Whereas the above-named John C. Robinson, Enoch Long, and Abel G. Sturtevant have prosecuted a writ of error to the Supreme
45 Court of the United States to reverse the judgment rendered in the above-entitled suit by the circuit court of the United States for the northern district of Illinois:

Now, therefore, the condition of this obligation is such, that if the above-named John C. Robinson, Enoch Long, and Abel G. Sturtevant shall prosecute their said writ of error to effect, and answer all dam-

ages and costs, and especially to pay the rents and profits of the premises if they shall fail to make good their plea, then this obligation shall be void; otherwise the same shall be and remain in full force and effect.

JOHN. C. ROBINSON, [SEAL.]
ENOCH H. LONG, [SEAL.]
ABEL G. STURTEVANT, [SEAL.]
JAMES F. LYTTELL, [SEAL.]
JOHNATHAN C. STURTEVANT, [SEAL.]
By ISAAC UNDERHILL,
Their Attorney in fact.
ISAAC UNDERHILL. [L. S.]

46 STATE OF ILLINOIS, *County of Cook, ss:*

I, Isaac Underhill, being sworn, depose and say that I am worth the sum of fifty thousand dollars above all just debts & liabilities; & further saith not.

ISAAC UNDERHILL.

Sworn to & subscribed before me this 3d July, A. D. 1868.
E. A. DRUMMOND, *U. S. Com'r.*

Approved:

THOMAS DRUMMOND.

(Endorsed:) Filed July 8, 1868.

WM. H. BRADLEY, *Clk.*

47 NORTHERN DISTRICT OF ILLINOIS, *ss:*

I, William H. Bradley, clerk of the circuit court of the United States for said district, do hereby certify the above and foregoing to be a true, correct, and complete transcript of the record of all the proceedings had in said court in said entitled cause, wherein said Peggy F. Patton is plaintiff, and said Enoch Long, Abel Sturtevant, and John Robinson are defendants, as the same appears of record remaining in my custody.

In testimony whereof, I have hereunto set my hand and affixed the seal of said circuit court, at my office in the city of Chicago, in said district, this fifth day of December, A. D. eighteen hundred and sixty-eight, and of the independence of the United States the ninety-third year.

[SEAL.] WM. H. BRADLEY, *Clerk.*

[25-ct. int. rev. certificate canceled: W. H. B., Dec'b. 5, 1868.]

48 *Writ of error.*

Circuit court of the United States for the northern district of Illinois, ss:

The United States of America to the judges of the circuit court of the United States for the northern district of Illinois, greeting:

Because in the record and proceedings, as also in the rendition of a judgment in a plea which is in the said court before you, between Peggy F. Patton, plaintiff, and Enoch Long, Abel Sturtevant, and John Robinson, defendants, a manifest error hath happened to the great damage of the said Enoch Long, Abel Sturtevant, and John Robinson, as by their complaint appears, and it being fit that the error, if any there hath been, should be duly corrected, and full and speedy justice done to the parties afore-

said in this behalf, you are hereby commanded, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday of December next in the said Supreme Court to be then and there held, that the record and proceedings being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the law and custom of the United States should be done.

Witness the Hon. Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this sixth day of July, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States the ninety-third year.

[SEAL.] WM. H. BRADLEY, *Clk.*

(Indorsed:) Circuit court, U. S. northern dist. of Ill's. Peggy F. Patton vs. Enoch Long et al. Writ of error.

49 *Citation.*

UNITED STATES OF AMERICA, *ss:*

To Peggy F. Patton, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden at Washington on the first Monday in December next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States for the 8th circuit and northern district of Illinois, wherein Enoch H. Long and others are plaintiffs, and you are defendant in error, to show cause, if any there be, why the judgment in the said writ of error mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness this 14th day of July, A. D. 1868.

THOMAS DRUMMOND.

(*In pencil:*) Rec'v'd copy of above, July 21, 1868.

H. M. WEAD,
Att'y for Peggy F. Patton.

(Indorsed:) U. S. Supreme Court. Enoch H. Long et al. vs. Peggy F. Patten. In error. Citation to Peggy F. Patten.